

Application No. 09/552,887
Amendment Dated December 12, 2003
Reply to Office Action of October 21, 2003

REMARKS/ARGUMENTS

By this Amendment, claims 1, 17 and 24 are amended. Claims 1-15 and 17-32 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

TELEPHONE INTERVIEW OF DECEMBER 3, 2003:

The applicants first wish to thank Patent Examiner Dass and Supervisory Patent Examiner Sough, for the courtesies extended during the telephone interview of December 3, 2003. During the interview, the applicant's attorney explained to the Examiners how the present invention, as claimed clearly distinguishes over the prior art cited.. It is noted that, while no decision with respect to patentability was made by the Examiners, Examiners Dass and Sough stated that they would consider anew the rejections based on the comments made during the interview. It is also noted that the applicant's attorney stated that he believed that no reference was made in the Office Action dated October 21, 2003 to the additional claim language of "but not associating the unique biometric data with other personal data related to the player" in claim 1 and other claims. Reference to this language was, in fact, included on page 3 of the Office Action (col. 4, line 54 to col 6, line 9 and col. 12, lines 20-27 of U.S. Patent No. 5,902,983 (Crevelt). Applicant apologizes for any confusion here. The applicant pointed out page 3, lines 1-7 as clearly supporting this claim language as required under Section 112. The applicant's attorney also stated that the applicant would amend the relevant independent claims to delete the phrase "the unique player's account not capable of access via electronic funds transfer through a financial institution."

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REJECTION UNDER 35 U.S.C. § 112:

The Examiner first rejected claims 1-12, 17 and 24 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, the Examiner stated that the specification adds new matter in two places: (i) “but not associating the unique biometric data with other personal data related to the player” and (ii) “the unique player’s account not capable of access via electronic funds transfer through a financial institution” and “storing unique biometric data by biometric input.”

The applicant traverses this rejection, based on the claims, as amended, for the reasons that follow. First, the language “the unique player's account not capable of access via electronic funds transfer through a financial institution” is deleted from the relevant claims, claims 1, 17 and 24. The rejection based on this claim language should therefore be withdrawn.

Next, with respect to the language “but not associating the unique biometric data with other personal data related to the player,” this language is very clearly fully taught in the specification at page 3, line1 to line 6:

The present system is not necessarily concerned with a person’s details of identity, such as social security number and the like. The present system is concerned with relating only a particular biometric sample to a financial account. The person need not be identified further. Thus, effectively, the account is held in the “name” of the biometric sample, rather than in the name of the person. This allows for a certain

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level of anonymity that numerous gaming patrons deem to be of great importance. Thus, this system may be more similar to a system that uses currency.

By the present Amendment, this language was amended to read "details of identity" of the player rather than "personal data related to" the player to better state that which the applicant believes to be his invention. While the applicant believes that the prior language was satisfactorily supported by the specification, this minor change to the claim language uses the precise language from the specification to clarify any ambiguity that may have existed.

REJECTION UNDER 35 U.S.C. § 103:

The Examiner first rejected claims 1 and 4-15 and 17-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,902,983 (Crevelt et al.) in view of U.S. Patent Publication No. 20001/0011680 A1 (Soltesz et al.). The rejection of claims 1 and 4-15 and 17-32 is traversed for the reasons asserted below.

With respect to claims 1, 17 and 24, the Examiner stated that Crevelt teaches a substantial portion of the invention, but does not disclose kiosks and providing a biometric registration apparatus having at least one registration biometric input means and player logoff means. The Examiner goes on to state that Soltesz discloses a self service kiosk, providing a biometric registration apparatus having at least one registration biometric input means, and player logoff means. The Examiner states that Crevelt teaches "not associating the unique biometric data with other personal data related to the player" at col. 4, line 54 to col 6, line 9 and col. 12, lines 20-27. The Examiner states that it would have been obvious to modify the disclosure of Crevelt to include

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biometric input means, as taught by Soltesz, to secure the player fund and credit card from unauthorized use.

For the reasons set forth in the applicant's amendment dated July 25, 2003, Crevelt in view of Soltesz does not teach the invention as claimed in claims 1 and 4-15 and 17-32. With respect to the Examiner's statement that the language "not associating the unique biometric data with other personal data related to the player," is taught by Crevelt at col. 4, lines 54 through col. 6, line 9 and col 12, lines 12-27, this statement is incorrect. Each of claims 1, 17 and 24 was amended to include a limitation that the central data repository not store biometric data that is associated with personal data) (details of identity) related to the player (such as bank account numbers and the like) other than the biometric data.

Based on the claims, as amended, even if the disclosure of Crevelt is modified to include biometric input means as taught by Soltesz, the present invention is clearly not taught or suggested. Crevelt teaches a gaming machine that accesses an electronic funds transfer (EFT) system. In Crevelt, the player inserts his or her ATM card, keys in a personal identification number (PIN), requests credits for play on gaming machines, and receives a preset amount of credits which can be converted to plays on a gaming machine. Since this patent deals with withdrawing funds, via EFT, from a players account, such as a bank account, the crux of this patent is to set a limit to the preset amount of credits available for a player such that a cashless system is provided that "protects against rash decisions by some players to divert a large amount of their savings to gaming." '983 Patent at col. 2, lines 27-28.

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The present invention does not provide access to player's bank account or credit card accounts that could allow players to divert large amounts of their savings into gaming. In fact, the present invention provides for a player to be entirely anonymous. Crevelt teaches away from the anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, *i.e.*, the biometric data, this data is not associated with personal data of a user, other than the account established under that biometric data. For example, if the biometric input used in a gaming system network is an eye scan, this data is not associated with other accounts of the users, such as bank accounts and credit card accounts (that are accessible via standard EFT as is well known). The present system does not collect such data. As stated in Crevelt at col 7, lines 51-56, EFT is described as follows:

As is known to those of skill in the art, EFT hosts are typically mainframe computers which route electronic funds transfer requests and authorization between various sales or services establishments (a casino in this instance) and remote funds depositories such [as] banks or credit unions.

Claim 1, as amended, includes the language "but not associating the unique biometric data with other details of identity of the player." Crevelt teaches away from this claim limitation. Crevelt, alone or in combination with Soltesz, does not teach the present invention, as claimed in the amended claims.

Moreover, while Soltesz teaches use of biometrics, it explicitly requires use of a "token" in the form of a "portable storage device" such as an optical card. The present invention operates entirely tokenless. While the preambles of most of the independent claims used the term "tokenless"

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as a limitation, three independent claims have also be amended to include this term as a limitation with respect to the biometric registration apparatus in paragraphs (a).

Dependent claim 13 was previously amended to be in independent form. An important aspect of claim 13 that is not taught by Crevelt, alone or in combination with Soltesz, is the limitation that the unique biometric data and the unique player's account are purged from the central computer after the step of paying the player any money remaining in said player's account, to provide for privacy of the player. Crevelt teaches away from such a limitation in that it is directed to EFT transactions which require that data related to the unique player's account is retained such that transfer of funds can be accomplished. Claim 13 is therefore believed to be allowable over the prior art of record. Citing column 7, lines 52 to column 9, line 29 of Crevelt, the Examiner indicates that this limitation (purging of the data) is taught by Crevelt. The Examiner is incorrect. Crevelt, in fact, does not teach this limitation. The applicant respectfully requests that the Examiner point to a more specific location that the Examiner believes to teach this limitation. Claim 13 also includes a limitation that the system is tokenless.

Since all of the independent claims (claims 1, 13, 17 and 24), as amended, of the present application are believed to be allowable over the prior art of record, it is respectfully requested that the Examiner withdraw the rejection and pass all of claims 1-31 to allowance.

For at least the reasons set forth above and for those reasons previously discussed in the Amendment dated July 25, 2003, it is respectfully submitted that all of the claims, as amended, of

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the above-identified application are in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

The remaining references cited by the Examiner, but not specifically relied upon in the rejections are considered by applicants to be less relevant than those specifically cited and relied upon.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

December 12, 2003

Please charge or credit our Account
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entry and/or ensure consideration of
this submission.

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